

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ELIZABETH ANN KYKER,	:	CIVIL ACTION NO. 1:17-CV-690
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
UNITED STATES OF AMERICA, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 26th day of June, 2017, upon consideration of the report (Doc. 8) of Magistrate Judge Karoline Mehalchick, recommending the court dismiss the complaint (Doc. 1) of *pro se* plaintiff Elizabeth Ann Kyker (“Kyker”) for failure to pay the filing fee or to file a proper application to proceed *in forma pauperis* after the court placed Kyker on notice that failure to do so would result in dismissal of this action, (see Doc. 6), and it appearing that Kyker has not objected to the report, see FED. R. CIV. P. 72(b)(2), and the court noting that failure of a party to timely object to a magistrate judge’s conclusions “may result in forfeiture of *de novo* review at the district court level,” Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should “afford some level of review to dispositive legal issues raised by the report,” Henderson, 812 F.2d t 878; see also Taylor v. Comm’r of Soc. Sec., 83 F. Supp. 3d 625, 626 (M.D. Pa. 2015) (citing Univac Dental Co. v. Dentsply Int’l, Inc., 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010)), in order to “satisfy itself that there is no clear error on the face of the record,” FED. R. CIV. P. 72(b),

advisory committee notes, and, following independent review of the record, the court being in full agreement with Judge Mehalchick's recommendation, and concluding that there is no clear error on the face of the record, it is hereby ORDERED that:

1. The report (Doc. 8) of Magistrate Judge Mehalchick is ADOPTED.
2. Kyker's complaint (Doc. 1) is DISMISSED without prejudice.
3. The Clerk of Court is directed to CLOSE the above-captioned action.
4. Any appeal from this order is deemed to be frivolous and not taken in good faith. See 28 U.S.C. § 1915(a)(3).

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania